

IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:21-00264

EDWIN HUGH DOUGLAS

**MEMORANDUM OPINION AND ORDER**

Pending before the court is defendant's motion to continue the trial and all related deadlines for a period of approximately thirty days. (ECF No. 20). In support of defendant's motion and the need for a continuance, counsel for Douglas states that he needs more time to review relevant discovery and go over it with defendant to determine how to proceed with the case. Additional time is needed not only because of the volume of discovery but defendant's literacy issues. In addition, counsel is still in the process of obtaining defendant's cell phone, the contents of which he believes will be helpful to defendant's defense at trial. The government does not oppose defendant's request for a continuance.

Because failure to grant the requested continuance would likely result in a miscarriage of justice, the court finds that the ends of justice outweigh the best interest of the defendant and the public in a speedy trial, see 18 U.S.C. § 3161(h)(7)(A), and **GRANTS** the defendant's motion to continue. In deciding to grant the motion to continue, the court considered the factors outlined in 18 U.S.C. §3161(h)(7)(B) and found that failure to

grant a continuance would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

Accordingly, the court hereby **ORDERS** as follows:

1. Trial of this action is continued until April 6, 2022, at 9:30 a.m., in Charleston. Jury instructions and proposed voir dire are to be filed by March 30, 2022;
2. All pretrial motions are to be filed by March 14, 2022;
3. A pretrial motions hearing is scheduled for March 21, 2022, at 4:00 p.m., in Charleston; and
4. Pursuant to 18 U.S.C. § 3161(h)(7)(A), the time from the filing of the motion until the trial is excludable for purposes of the Speedy Trial Act.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to counsel of record, to the United States Marshal for the Southern District of West Virginia, and to the Probation Office of this court.

IT IS SO ORDERED this 26th day of January, 2022.

ENTER:

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber  
Senior United States District Judge